IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.1451 OF 1988.

Tata Finance Ltd. ...Plaintiffs
V/s.
Pandurang Janardhan Patil & Anr. ...Defendants

Mr.Chirag Balsara with Mr.Nikhil Mehta i/b.M/s.Mulla & Mulla for Plaintiffs.
None for Defendants.

CORAM : A.S. AGUIAR, J.
DATED : SEPTEMBER 22, 2004.

P.C. :-

1. Learned Advocate for Plaintiffs files affidavit in lieu of evidence of plaintiffs as well as compilation of documents alongwith copies of the said documents. Same are taken on record. Defendants have filed written statement dated 3rd April 1989, however, no one seems to have been appearing for defendants. Hence, by order dated 27th July, 2004, the matter was directed to be placed for exparte hearing. Today too, none appears on behalf of defendants.

2. Learned Advocate for Plaintiffs submits draft

issues. Issues accordingly settled and framed and marked Exhibit "P-1". Plaintiffs rely upon the xerox copies of documents originals of which he claims are missing. Hence, Plaintiffs seek to lead secondary evidence. In view of the admission of the defendants in para 2 of the written statement admitting the signatures of defendants no.1 and 2 on the said Agreements viz. Agreements dated 10th April, 1987 and 25th April, 1987 bearing Nos.30638 and 30676 respectively, plaintiff allowed to rely on xerox copies of the Agreements.

3. The suit is for sum of Rs.6,33,299/- with interest @ 14% p.m. in respect of the Hire Purchase Agreement. No one appears on behalf of the defendants and no written statement filed. Hence, the matter is required to be decided under Order VIII Rule 10. Accordingly, there shall be decree in terms of prayer clauses (a) and (b). No order as to costs.

. Suit to stand disposed of.

. Decree Department to act on an authenticated copy of this Order.

(A.S. AGUIAR, J.)